REMARKS

Claims 1-16 are pending in this application. Claims 1, 3, and 10-16 are amended in this response. The amendments have been made to clarify the claimed subject matter. In addition, the amendments to Claims 11-16 are made to change the dependency of the claims, as it appears that they depended from the wrong claims.

Rejection of Claims 11, 14, and 15 under 35 U.S.C. 112

Claims 11, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, it appears that the claims incorrectly claimed dependency previously from Claim 3, which is now Claim 10. Claims 12, 13, and 16 are amended for the same reason.

Rejection of Claims 1-16 under 35 U.S.C. 102(b)

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinallo et al. (US 5,929,857).

1)   Dinallo teaches retrieving all menu image data (i.e. visual data) from a second storage medium, namely a relational data base that is located on the player (see e.g. col.7, lines 11-13). The first storage medium, a DVD in the case of Dinallo, serves only for providing audio-visual data that are not menu data, and for providing menu data that are control data such as commands and attributes (see e.g. col.7, lines 14-16,24-25, col.8, lines 2-7 and col.9, line 67-col.10, line 2). Thus, the menu control data alone are not sufficient for generating a menu, since menu image data as such are not retrieved from the DVD. Instead, additional menu image data from the data base are required.

To clarify this difference, the amended independent Claims 1, 3, and 10
comprise the feature that both, the first portion of menu data and the second
portion of menu data, comprise audio-visual data. As shown above, Dinallo fails
to disclose or suggest this feature.

2)   Dinallo teaches retrieving from the first storage medium, i.e. the
DVD, all audio-visual data that are not menu data. That is, Dinallo fails to
disclose or suggest the retrieving of audio-visual data that are no menu data
from the second storage medium. For the present invention, an example of
such audio-visual data that are no menu data is additional content (e.g. bonus
tracks) that is stored on the second storage medium (see e.g. page 3, lines 3-
11 or page 10, line 28 – page 11, line 7 of the specification). Dinallo does not
disclose or suggest storing additional content, and particularly does not
disclose or suggest storing additional content on another storage medium than
the DVD. Therefore, Dinallo's disclosure is not suitable for updating a menu so
as to access content that was not available at the time of producing the DVD,
but that is stored later on the second storage medium. The present invention
solves this very problem (see e.g. lines 26-24 of page 2, lines 3-17 of page 3,
lines 13-16 of page 5 etc.)

In view of this difference, the amended Claims 1, 3, and 10 contain the feature
"said second portion of audio-visual data comprises no menu data". Instead,
the second portion of audio-visual data comprises additional content that will be
made accessible in the menu.

3)   Dinallo describes in col.9, lines 1-52, a "generic menu", i.e. an
example where the DVD contains no navigation commands. As a result, a
default user interface is generated. This means that the generic menu is
created exclusively from data that come from the player, which means that
(using the claim language) the menu data are retrieved only from the second

storage medium. Therefore, in this and other examples referring to a "generic menu", Dinallo fails to disclose or suggest "a first portion of menu data is retrieved from a first storage medium" as in amended Claims 1, 3, and 10..

In view of the above remarks and amendments to Claims 1, 3, and 10, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

Additionally, Applicants request that the rejections to Claims 2, 4-9, and 11-16 be removed as these claims depend on allowable Claims 1, 3, and 10, respectively.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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